

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. 35504

23/735

**UNION PACIFIC RAILROAD COMPANY—PETITION FOR DECLARATORY
ORDER**

**OPENING COMMENTS OF
SUNBELT CHLOR ALKALI PARTNERSHIP**

SunBelt Chlor Alkali Partnership (“SunBelt”) hereby submits its opening comments in accordance with the December 12, 2011 decision of the Surface Transportation Board (“STB” or “Board”) in the above-captioned proceeding. Union Pacific Railroad Company (“UP”) seeks a declaration that Items 50 and 60 of UP Tariff 6607, which require shippers of Toxic Inhalation Hazard (“TIH”) materials to indemnify UP against all liabilities, except to the extent those liabilities are caused by the negligence of UP, are not unreasonable. Those tariff items would make TIH shippers responsible not just for the shippers’ own negligence, but also for any cause whatsoever that is not otherwise attributable to UP, even if the shippers are not at fault and even if a third party is at fault. UP’s tariff is grossly overreaching and turns basic principles of tort law on their head.


**ENTERED
Office of Proceedings**

JAN 25 2012

**Part of
Public Record**

SunBelt joins the comments that have been submitted by Olin Corporation and jointly by the American Chemistry Council, the Chlorine Institute, The Fertilizer Institute, and the National Industrial Transportation League, and urges the Board to determine that Items 50 and 60 of UP Tariff 6607 are unreasonable.

Respectfully submitted,



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Certificate of Service

I hereby certify that on 25th day of January 2012, a copy of the foregoing
Comments of SunBelt Chlor Alkali Partnership was served by electronic delivery on all
parties of record in these proceedings.



Jeffrey O. Moreno